

DRINKER BIDDLE & REATH LLP
 A DELAWARE LIMITED LIABILITY PARTNERSHIP
 500 Campus Drive
 Florham Park, NJ 07932
 Telephone: (973) 360-1100
 Facsimile: (973) 360-9831

Attorneys for Defendant
 Lowe's Home Centers, Inc.

*Fee paid
 \$25.00
 E 633524*

U.S. DISTRICT COURT
 07/NOV/29 P 4:40
 S.D. OF N.Y. W.P.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Civil Action No. 07 Civ 8232 (CLB)

Plaintiff,

v.

LOWE'S HOME CENTERS,

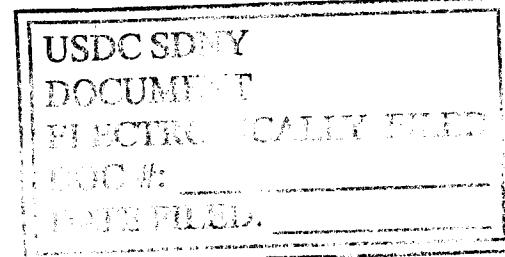
Defendant.

**MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Helen E. Tuttle, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Thomas J. Barton, Esq.
 Drinker Biddle & Reath LLP
 One Logan Square, 18th & Cherry Streets
 Philadelphia, PA 19103
 Telephone: 215-988-2834
 Facsimile: 215- 988-2757

Mr. Barton is a member in good standing of the Bars of the State of New Jersey and the Commonwealth of Pennsylvania.



There are no pending disciplinary proceedings against Mr. Barton in any State or Federal court.

Dated: November 28, 2007
Florham Park, NJ

Respectfully submitted,



Helen E. Tuttle Esq. (HT-3120)
Drinker Biddle & Reath LLP
A Delaware Limited Liability Partnership
500 Campus Drive
Florham Park, New Jersey 07932
Phone Number: 973-360-1100
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Attorneys for Defendant
Lowe's Home Centers, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Plaintiff,

v.

LOWE'S HOME CENTERS,

Defendant.

Civil Action No. 07 Civ 8232 (CLB)

**AFFIDAVIT OF
HELEN E. TUTTLE, ESQ.
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
*PRO HAC VICE***

STATE OF NEW JERSEY)
) ss.:
COUNTY OF MORRIS)

HELEN E. TUTTLE hereby declares as follows:

Helen E. Tuttle, being duly sworn, deposes and says as follows:

1. I am an associate with the law firm of Drinker Biddle & Reath LLP, counsel for Defendant in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Thomas J. Barton, Esq. as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in September 1999. I am also admitted to the bar

of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Mr. Barton since March 2006.

4. Mr. Barton is a partner with Drinker Biddle & Reath LLP and a member of the bars of the Commonwealth of Pennsylvania (admitted to practice in 1987) and the State of New Jersey (admitted to practice in 1991), and is admitted to practice before the Pennsylvania Supreme Court, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, United States District Court for the District of New Jersey, United States District Court for the Northern District of Illinois, United States Court of Appeals for the Second Circuit, United States Court of Appeals for the Third Circuit and United States Supreme Court.

5. Mr. Barton has at all times been a member in good standing of the bar of the aforesaid jurisdictions.

6. Defendant desires that Mr. Barton participate in its representation before this Court.

7. I have found Mr. Barton to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

8. Accordingly, I am pleased to move the admission of Mr. Barton, *pro hac vice*.

9. I respectfully submit a proposed order granting the admission of Mr. Barton, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Mr. Barton, *pro hac vice*, to represent Defendant in the above-captioned matter, be granted.

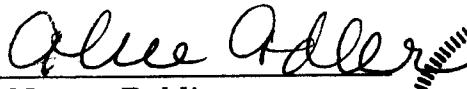
Dated: November 28, 2007
Florham Park, NJ

Respectfully submitted,



Helen E. Tuttle Esq. (HT-3120)
Drinker Biddle & Reath LLP
A Delaware Limited Liability Partnership
500 Campus Drive
Florham Park, New Jersey 07932
Phone Number: 973-360-1100
Facsimile: 973-360-9831

Sworn to before me this
28th Day of November, 2007



Notary Public



DRINKER BIDDLE & REATH LLP
A DELAWARE LIMITED LIABILITY PARTNERSHIP
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Florham Park, NJ 07932
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Facsimile: (973) 360-9831

Attorneys for Defendant
Lowe's Home Centers, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Plaintiff,

v.

LOWE'S HOME CENTERS,

Defendant.

Civil Action No. 07 Civ 8232 (CLB)

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Helen E. Tuttle, Esq., attorney for Defendant Lowe's Home Centers, Inc. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Thomas J. Barton, Esq.
Drinker Biddle & Reath LLP
A Delaware Limited Liability Partnership
One Logan Square, 18th and Cherry Streets
Philadelphia, Pennsylvania 19103-6996
Telephone (215) 988-2700
Facsimile (215) 988-2757
thomas.barton@dbr.com

is admitted to practice *pro hac vice* as counsel for Defendant Lowe's Home Centers, Inc. in the above-captioned case in the United States District Court for the

Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: December _____, 2007
White Plains, New York

United States District / Magistrate Judge

DRINKER BIDDLE & REATH LLP
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Attorneys for Defendant
Lowe's Home Centers, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN TOLBERT, JR.,

Civil Action No. 07 Civ 8232 (CLB)

Plaintiff,

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Defendant.

PROOF OF SERVICE

STATE OF NEW JERSEY)) ss.:
COUNTY OF MORRIS)

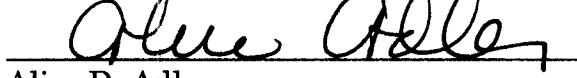
ALICE D. ADLER, of full age, hereby certifies as follows:

1. I am employed as a secretary by the law firm of Drinker Biddle & Reath LLP, attorneys for Defendant, Lowe's Home Centers, Inc., in the above-captioned litigation. I am not a party to this action.

2. On November 28, 2007, a copy of the cover letter, Motion to Admit Thomas J. Barton, Esq. *pro hac vice*, Affidavit of Helen E. Tuttle, Esq., and proposed Order was served on plaintiff's counsel in the above-captioned case by regular mail:

Michael H. Sussman, Esq.
Sussman and Watkins
40 Park Place
Floor Two
Goshen, New York 10924
Telephone: 845-294-3991

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Alice D. Adler
Secretary to Helen E. Tuttle, Esq.
Drinker Biddle & Reath LLP
A Delaware Limited Liability Partnership
500 Campus Drive
Florham Park, New Jersey 07932
Phone Number: 973-360-1100
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Dated: November 28, 2007
Florham Park, NJ

Supreme Court of New Jersey

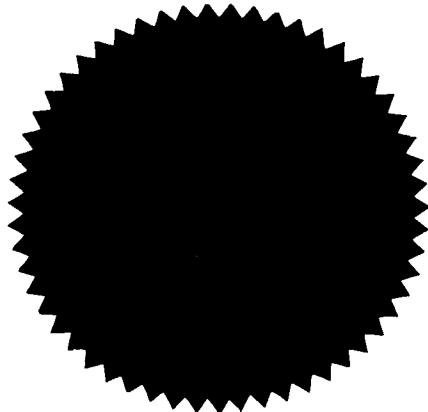


Certificate of Good Standing

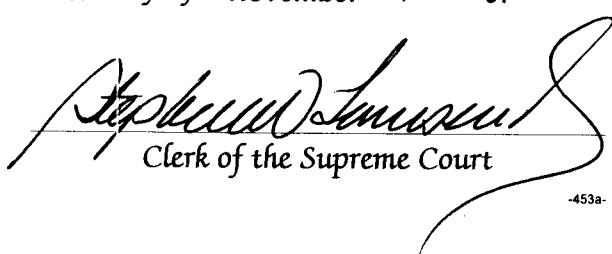
This is to certify that **THOMAS J BARTON**
(No. **008211991**) was constituted and appointed an Attorney at Law of New Jersey on **June 15, 1991** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this 9TH day of November, 2007

The signature of Stephen J. Munzer, Clerk of the Supreme Court, written in cursive ink.
Clerk of the Supreme Court



Supreme Court of Pennsylvania

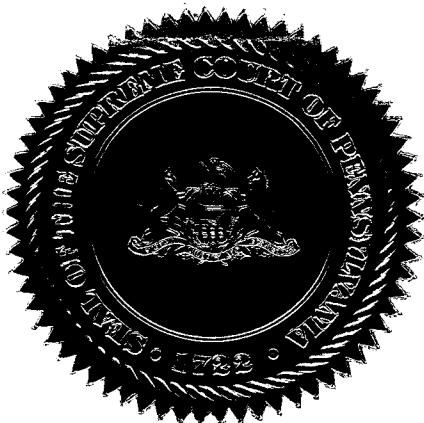
CERTIFICATE OF GOOD STANDING

Thomas Barton, Esq.

DATE OF ADMISSION

December 3, 1987

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal
Dated: November 5, 2007

A handwritten signature in black ink that appears to read "Patricia A. Johnson".
Patricia A. Johnson
Chief Clerk